

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL FRIEDMAN GROUP INC., :  
Plaintiff, :  
-v- : 21-CV-3036 (JMF)  
DIGITAL MEDIA SOLUTIONS, LLC, :  
Defendant. :  
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JESSE M. FURMAN, United States District Judge:

Plaintiff filed this action on April 8, 2021. *See* ECF No. 1. On April 9, 2021, the Court issued an Order noting that Plaintiff had not adequately alleged that the Court had subject-matter jurisdiction pursuant to 28 U.S.C. § 1332. ECF No. 5. In that Order, the Court instructed Plaintiff to “amend its Complaint to allege the citizenship of each constituent person or entity comprising the Defendant LLC and plead sufficient facts to demonstrate a reasonable probability that the amount in controversy exceeds \$75,000.” *Id.* at 2. On April 16, 2021, Plaintiff filed an Amended Complaint in which it alleged that the Defendant LLC’s sole member is Digital Media Solutions Holding, LLC, whose majority member is a “Delaware resident” by the name of CEP V DMS US Blocker Company. ECF No. 6, ¶ 18. Plaintiff also alleges that Digital Media Solutions Holding, LLC has “various minority members[] none of [whom are] resident in New York.” *Id.* Alas, that does not cut it, as it is well established that “allegations of residency alone cannot establish citizenship.” *Canedy v. Liberty Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997).

In the Court’s prior Order, the Court warned Plaintiff that failure to properly allege subject-matter jurisdiction in the Amended Complaint would result in dismissal. *See* ECF No. 5. Nevertheless, “when the record supports a factual basis for diversity, leave to correct a technical defect is freely given.” *Maitland v. Fishbein*, 712 F. App’x 90, 92 (2d Cir. 2018) (summary order). Accordingly, the Court will give Plaintiff one final chance to properly establish subject-matter jurisdiction. No later than **April 23, 2021**, Plaintiff shall once again amend its Complaint to properly allege the *citizenship* of each party to this action (including the *citizenship* of each and every member of any LLC or limited partnership). If, by that date, Plaintiff does not file an amended complaint actually establishing this Court’s subject-matter jurisdiction, the Court will dismiss the case without prejudice and without further notice to any party.

SO ORDERED.

Dated: April 19, 2021  
New York, New York

  
JESSE M. FURMAN  
United States District Judge